

Message Text

CONFIDENTIAL

PAGE 01 BRASIL 00206 091735Z

62

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AMCONSUL SAO PAULO

C O N F I D E N T I A L BRASILIA 0206

E.O.11652: GDS

TAGS: PINT, BR

SUBJECT: CASSATIONS OF TWO POLITICIANS LEAVE POLITICAL CLIMATE TENSE

SUMMARY: THE CASSATION AND 10-YEAR SUSPENSION OF POLITICAL RIGHTS OF ONE FEDERAL AND AND STATE DEPUTY HAVE LED TO RUMORS OTHER SUCH ACTIONS WOULD FOLLOW, AND PROMPTED THE OPPOSITION PARTY TO ISSUE A STRONG STATEMENT AND VOW TO CARRY THE ISSUE TO THE PEOPLE. THE PRESIDENTIAL ACTION, BASED ON INSTITUTIONAL ACT 5, IS GENERALLY CONSIDERED TO HAVE BEEN INSISTED UPON BY THE ARMY WHEN THE TWO MEN, NAMED IN A REPORT AS HAVING TIES WITH THE COMMUNIST PARTY, DECLARED PUBLICLY THAT SUCH ALLEGATIONS WERE NOTORIOUSLY EXTRACTED FROM PRISONERS BY TORTURE. THE MEASURE IS A SEVERE BLOW TO THOSE HOPING THIS ELECTORAL YEAR WOULD BRING FURTHER POLITICAL PROGRESS, AND HAS LEFT THE MOOD IN POLITICAL CIRCLES TENSE AND PESSIMISTIC. END SUMMARY.

1. USING HIS POWERS UNDER INSTITUTIONAL ACT 5, PRESIDENT GEISEL JANUARY 5 CASSATED OPPOSITION FEDERAL DEPUTY (FROM SAO PAULO) MARCELO GATO AND SAO PAULO LEGISLATIVE ASSEMBLY NELSON FABIANO SOBRINHO, ALSO OF THE MDB, AND SUSPENDED THEIR POLITICAL RIGHTS FOR TEN YEARS. RUMORS THAT SOME SUCH ACTION MIGHT BE IN THE OFFING BEGAN WHEN THE DEPARTMENT OF ORDER AND PUBLIC SECURITY (DOPS) OF SAO PAULO RELEASED A

CONFIDENTIAL

PAGE 02 BRASIL 00206 091735Z

REPORT, PUBLISHED DECEMBER 23, THAT LINKED GATO, FABIANO, AND

SAO PAULO STATE DEPUTY (MDB) ALBERTO GOLDMAN WITH SUSPECTED COMMUNIST PARTY ACTIVITY. ON DECEMBER 24 AND 25 ALBERTO GOLDMAN DENIED THE CHARGES: FABIANO AND GATO DID THE SAME, BUT IN MUCH MORE SHARPLY WORDED DENIALS, MAINTAINED THAT EVERYONE KNOWS THAT SUCH DECLARATIONS ARE MADE WITH THE AID OF TORTURE IN EVERY LINE OF THE INQUIRY.

2. ON DECEMBER 26, FABIANO AND GATO RECEIVED AN "INVITATION" TO COME TO THE DOPS AND EXPLAIN THEIR STATEMENTS OF THE PREVIOUS DAY. THEY DECLINED, AND THREE-HOUR MEETING WAS HELD THAT INCLUDED THEIR LAWYER, THE LEADER OF THE ARENA PARTY IN SAO PAULO, AND THE HEAD OF DOPS. A GOVERNMENT SOURCE SAID THAT THE MEETING WAS HELD TO DRAFT A NOTE OF RETRACTION THAT WOULD BE RELEASED BY THE 2 DEPUTIES ON DECEMBER 29. OTHER SOURCES SAID THAT IT WAS A "ROUGH MEETING" WITH LOUD VOICES. IN ANY CASE, THE DEPTIES REMAINED FIRM IN THEIR POSITION. THERE WAS NO RETRACTION ON THE 29TH AND THAT AFTERNOON THE SAO PAULO STATE SECRETARY OF SECURITY, COLONEL ERASMO DIAS, FLEW TO BRASILIA, SETTING OFF INTENSIVE SPECULATION WHICH WAS HARLY ALLEVIATED WHEN SAO PAULO STATE GOVERNMENT SPOKESMEN SAID THE SITUATION WAS GRAVE AND OUT OF STATE HANDS. AFTER A FEW MORE DAYS OF EVASIVE OFFICIAL COMMENT AND MOUNTING TENSION, THE PRESIDENT ACTED.

3. PUBLIC REACTION FROM POLITICIANS VARIED IN ITS INTENSITY, A REFLECTING BOTH OF PRUDENCE AND OF THE CONGRESSIONAL RECESS. ARENA LEADERS TENDED WITHER TO AVOID COMMENT OR TO COUPLE EXPRESSIONS OF SORROW OVER THE USE OF IA-5. WITH FIRM SUPPORT FOR THE PRESIDENT. COMMENTS FROM MDB MEMBERS STRESSED THE LACK OF JUSTIFICATION FOR THE MOVE, DREW ATTENTION TO THE ACT'S RIGOROUS NATURE (ALLOWING NEITHER FOR DEFENSE BEFOEHAND NOR FOR EXPLANATIONS AFTERWARDS), AND DECRIED THE EFFECT ON THE POLITICAL SITUATION. MDB SENATOR FRANCO MONTORO, MORE OUTSPOKEN THAN MOST, CALLED THE MEASURE A POLITICAL RETROCESSION AND A BLACK PAGE IN BRAZILIAN HISTORY, AND CLAIMED THEY VIOLATED BRAZIL'S COMMITMENTS UNDER THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. MDB PARTY PRESIDENT ULYSSES GUIMARAES CALLED THEM "AN UNNECESSARY VIOLENCE AND A STEP BACK IN THE DESIRED JOURNEY TOWARD DEMOCRATIC NORMALITY".

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BRASIL 00206 091735Z

4. THE MDB JANUARY 7 FOLLOWED THROUGH WITH A FORMAL STATEMENT DENOUNCING THE ACTION AS AN "INTOLERABLE ABUSE OF POWER", AN "UNJUSTIFIABLE NATIONAL POLITICAL RETROCESSION", AND AN "AGGRAVATION OF THE UNEASE AND INSECURITY IN WHICH THE COUNTRY IS LIVING". THE STATEMENT NOTED THE BRAZILIAN PEOPLE "ALWAYS REPELLED THE GRATUITOUS OSTENTATION OF FORCE AND OF ARROGANCE", DECRIED THE LACK OF CHARGES AND FAILURE TO FOLLOW NORMAL JUDICIAL PROCEDURES ALLOWING FOR DEFENSE, AND PROMISED THE

PARTY WOULD "CONTINUE THE STRUGGLE OF THE BRAZILIAN PEOPLE".

5. THE PRESIDENTIAL ACTION ALSO DREW CONSIDERABLE PRESS COMMENT, MUCH OF WHICH NOTED IT COULD ONLY SPECULATE SINCE SUCH MEASURES ARE NEVER EXPLAINED. PRESTIGIOUS COLUMNIST CARLOS CASTELLO BRANCO SAID THE ACT CAUGHT MOST PEOPLE BY SURPRISE BUT THAT TWELVE YEARS AFTER THE FIRST LIST OF CASSATIONS SUCH A STEP NO LONGER CAUSED MUCH COMMOTION. CASTELLO LAMENTED THE LACK OF INSTITUTIONAL DEVELOPMENT REPRESENTED BY THE CONTINUING RELIANCE ON EXCEPTIONAL AND ARBITRARY MEASURES (A THEME ALSO SOUNDED IN OTHER COMMENT), AND NOTED THE ACTION'S INCONGRUENCE WITH THE ELECTORAL YEAR JUST GETTING UNDER WAY. O ESTADO DE SAO PAULO'S LEAD EDITORIAL JANUARY 7 ALSO HIT THE CONTINUING STATE OF EXCEPTION, OBSERVED A PUNITIVE SPIRIT IN THE AIR, AND SCORED THE APPLICATION OF SO DRASTIC A MEASURE WITH NO MORE JUSTIFICATION THAN "THE INTERESTS OF THE REVOLUTION". THE JORNAL DO BRASIL THE SAME DAY WONDERED ABOUT THE REASONS FOR THE CASSATIONS, QUESTIONED THE ARBITRARY NATURE OF THE PUNISHMENT, AND CRITICIZED THE GOVERNMENT'S NON-EXPLANATION AS LEAVING THE COUNTRY TENSE, EXPECTANT, AND CONFUSED.

6. COMMENT: ONE OF THE EARLY QUESTIONS ABOUT THE ACTION HAD TO DO WITH THE SPARING OF GOLDMAN, SURPRISING IN THAT OF THE THREE MEN HE WAS THE MOST WIDELY CONSIDERED TO HAVE COMMUNIST PARTY (PCB) LINKS. THE GENERAL AGREEMENT AMONG OBSERVERS IS THAT GATO AND FABIANO WERE IN FACT PUNISHED FOR THEIR STATEMENTS ABOUT TORTURE, NOT FOR ANY PCB TIES THEY MIGHT HAVE, AND THAT IT WAS GOLDMAN'S GREATER PRUDENCE IN THAT RESPECT THAT SAVED HIM. (IT WAS ALSO ARGUED THAT GOLDMAN WAS SAVED BY SAO PAULO GOVERNOR PAULO GYDIO OUT OF GRATITUDE FOR THE FORMER'S COOPERATIVE APPROACH AS MAJOR LEADER OF THE SAO PAULO STATE LEGISLATIVE ASSEMBLY, BUT WE DOUBT SUCH A FACTOR WOULD HAVE SWAYED AN OTHERWISE DETERMINED ARMY.) IN THIS SENSE
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BRASIL 00206 091735Z

THE ACTION WAS A FORCEFUL REMINDER OF THE "UNTOUCHABLE" NATURE OF THE ARMED FORCES AND THEIR SECURITY ELEMENTS IN THE REVOLUTION, AS WELL AS AN INDICATION THAT SENSITIVITIES AROUSED BY HERZOG AFFAIR AND ITS AFTERMATH REMAIN TENDER. (MILITARY'S REACTION IN THIS CASE CLOSELY PARALLELS ITS REACTION FOLLOWING HERZOG INCIDENT IN OCTOBER WHEN MDB SENATOR LEITE CHAVES COMPARED BRAZILIAN ARMY TO SS ON FLOOR OF SENATE. UNLIKE FABIANO SOBRINHO AND GATO, CHAVES SAVED HIS POLITICAL CAREER BY YIELDING TO DEMANDS OF ARMY LEADERS FOR RESTRAINT, WHICH WAS DULY PUBLISHED IN CONGRESSIONAL RECORD.)

7. IN THE BROADER CONTEXT OF BRAZIL'S POLITICAL DEVELOPMENT, THE ACTION IS, OF COURSE, A SEVERE BLOW TO THOSE HOPING THIS ELECTORAL YEAR WOULD BRING FURTHER PROGRESS, AND MARKS A RATHER

DEPRESSING START. IT ALSO SERVES AS A STRONG WARNING TO

PARLIAMENTARIANS, AND IN FACT RUMORS PROMPTLY APPEARED TO THE EFFECT THAT OTHER CASSATIONS, ALSO INVOLVING THE SENATE, WOULD FOLLOW.

8. THE RESURGENCE OF SUCH RUMORS, ENDEMIC FOR SOME TIME, WAS INEVITABLE, AND MAY BE SIGNIFICANT ONLY AS AN INDICATION OF THE CURRENT CLIMATE. MANY HERE HAVE LONG HELD, HOWEVER, THAT ONE THE CONGRESSIONAL DIKES WERE BREACHED (THERE HAVE BEEN NO "POLITICAL" CASSATIONS OF CONGRESSMEN SINCE BEFORE MEDICI TOOK OFFICE), THE REVOLUTION WOULD TAKE THE OCCASION FOR A GENERAL HOUSE-CLEANING. FURTHER TROUBLE OF SOME SORT COULD ALSO ENSUE IF THEMDB CARRIES THROUGH ON ITS PUBLIC VOW TO TAKE THE CASSATION ISSUE TO THE PEOPLE, HOLDING PUBLIC MEETINGS (OR AT LEAST "SYMPOSIUMS") TO UNDERSCORE THE VIOLATION OF POPULAR MANDATE. THERE MUST BE SOME QUESTION, HOWEVER, AS TO HOW MUCH ZEST MDB SPOKESMEN WILL BE WILLING TO SHOW IN PUBLICLY FIGHTING THE ISSUE OR IN WAGING A GENERAL ELECTION CAMPAIGN ON THE POLITICAL SCENE. INDEED, SOME PRESS COMMENTATORS SPECULATE THAT THE GOVERNMENT MAY HAVE HAD THE ELECTORAL EFFECT IN MIND. IN THE MEANTIME, THE GOVERNMENT IS PROVIDING NO CLUES AS TO ITS INTENTIONS.

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